

U.S. Serial No. 09/216,036

**REMARKS**

Applicant thanks the Examiner for the courtesy extended to Applicant Richard Warren and Applicant's representative, Lawrence Cullen during an interview on November 18, 2004.

During the interview, Applicant provided an illustration depicting the relationship between satellites and ground based antenna, the illustration was left with the Examiner. Also during the interview, Applicant explained the operation of the invention and the prior art. Amendments for claim 5 were discussed and developed with the kind assistance of the Examiner, and claim 5 has been amended as discussed. It is Applicant's understanding that the Examiner generally agreed that claim 5, as amended, overcome the applied prior art but further consideration would be given upon submission of the amendments.

**I. Introduction**

Claims 3-6 and 8 are pending in the above application.

Claim 5 stands rejected under 35 U.S.C. § 103.

Claims 3, 4, 6 and 8 are allowed.

Claims 3, 5, 6 and 8 are independent claims.

**II. Amendments**

Claim 5 has been amended to more particularly recite that which Applicant regards as the invention therein.

No new matter has been added.

U.S. Serial No. 09/216,036

### III. Prior Art Rejections

Claim 5 stands rejected under 35 U.S.C. §103 as being unpatentable over Mallinckrodt (U.S. Pat. No. 5,940,753) in view of Bond (U.S. Pat. 3,836,969).

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *Ecolochem Inc. v. Southern California Edison Co.*, 227 F.3rd 1361, 56 U.S.P.Q.2d (BNA) 1065 (Fed. Cir. 2000); *In re Dembiczak*, 175 F.3d 994, 999, 50 U.S.P.Q.2D (BNA) 1614, 1617 (Fed. Cir. 1999); *In re Jones*, 958 F.2d 347, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992); and *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). See also MPEP 2143.01.

Neither Mallinckrodt nor Bond, taken alone or in combination, disclose or suggest all of the limitations of amended claim 5.

As discussed in the interview, Mallinckrodt does not disclose a method of performing satellite communication in a point-to-multipoint communications system, comprising the steps of: aligning a first satellite antenna to illuminate a plurality of satellites; transmitting a communication signal from the first satellite antenna to said plurality of satellites; broadcasting a return signal from each of said plurality of satellites based on the transmitted communication signal; aligning a second satellite antenna to receive the return signal from only a first one of the plurality of satellites; repositioning said second satellite antenna to receive the return signal from only a second of the plurality of satellites during periods when the sun transits behind said first satellite; and receiving the return signal from said second satellite at said second satellite antenna during said periods. Rather, Mallickrodt simply discloses a control architecture for a

U.S. Serial No. 09/216,036

conventional communication system which communicates with an omni directional satellite antenna mounted on an automobile. Fig. 1(a). The communication associated with the satellite control in Mallinckrodt is distinct from the communication associated with the vehicle. There is no disclosure of a satellite antenna transmitting to a plurality of satellites, each of which broadcast a return signal, a second satellite antenna receiving the return signal from only one of the plurality of satellites and repositioning to another satellite when the sun transits behind the first satellite. Bond also does not disclose the above features. Bond merely discloses geo-synchronous satellites in various orbits. Abs.

Accordingly, as neither Mallinckrodt nor Bond disclose or suggest all of the limitations of amended claim 5, the combination of Mallickrodt and Bond does not render amended claim 5 unpatentable.

U.S. Serial No. 09/216,036

**IV. Conclusion**

Having fully and completely responded to the Office Action, Applicants submit that all of the claims are now in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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